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ATTORNEY DOCKET NO.: 2002834-0046 (CIP10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bannon, et al. Examiner: Huynh, P.
Serial No.: 09/494,096 Art Unit: 1644
Filing Date: January 28, 2000
Title: METHODS AND REAGENTS FOR DECREASING CLINICAL
REACTION TO ALLERGY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

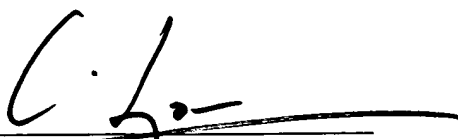
TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (10 pages);
2. Supplemental Information Disclosure Statement (5 pages);
3. Transmittal Letter (1 page);
4. Limited Recognition Under 37 CFR § 10.9(b);
5. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,


Charles E. Lyon, D.Phil
Agent for Applicant
Limited Recognition Under 37 CFR §10.9(b)

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Dated: 10/22/04

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Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or
☒ A *supplemental* Information Disclosure Statement.

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Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☐ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☐ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
 - ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual

designated in § 1.56(c) more than three months prior to the filing of
the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under
§ 1.113, a notice of allowance under § 1.311, or an action that otherwise closes
prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure
statement was first cited in any communication from a foreign
patent office in a counterpart foreign application not more than
three months prior to the filing of the information disclosure
statement; or

☐ That no item of information contained in the information
disclosure statement was cited in a communication from a foreign
patent office in a counterpart foreign application, and, to the
knowledge of the person signing the certification after making
reasonable inquiry, no item of information contained in the
information disclosure statement was known to any individual
designated in § 1.56(c) more than three months prior to the filing of
the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☐ A copy of each cited reference not indicated with an asterisk is included;
- ☒ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status
09/141,220	August 27, 1998	Pending

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☐ Does contain non-English language citations, of which the following is a concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

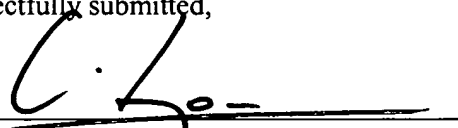
Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

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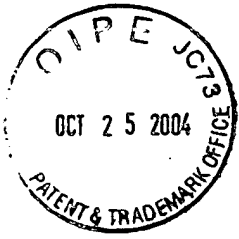
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Respectfully submitted,



Charles E. Lyon, D.Phil.
Agent for Applicant
Limited Recognition Under 37 CFR §10.9(b)



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

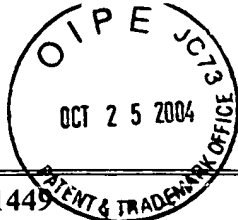
Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: December 1, 2004

Harry I. Moatz

Director of Enrollment and Discipline



PTO-1449 (REV. 8-83)	U.S. Department of Commerce Patent and Trademark Office	ATTY. DOCKET: 2002834-0046	IN RE APPLICATION NO.: 09/494,096
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>		APPLICANT: Bannon, et al.	
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U.S. PATENT DOCUMENTS					
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass

U.S. PATENT APPLICATIONS					
Examiner's Initials:	Serial Number:	Applicant:	Publication Date:	Group:	Art Unit:

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No

OTHER DOCUMENTS	
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	*Amorim, et al., "Suppression of Airway Eosinophilia by Killed Mycobacterium Vaccae-Induced Allergen-Specific Regulatory T-Cells", <i>Nature Medicine</i> , 8 (6): 625-629, 2002.
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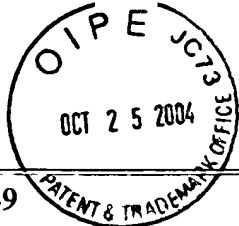
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	*Kalliomaki, et al., "Transforming Growth Factor- β in Breast Milk: A Potential Regular of Atopic Disease at an Early Age", <i>J. Allergy Clin. Immunol.</i> 104 (6): 1251-1257, 1999.		
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	*Lorentz, et al., "Human Intestinal Mast Cells Produce IL-5 in Vitro Upon IgE Receptor Cross-Linking and In Vivo in the Course of Intestinal Inflammatory Disease" <i>Eur. J. Immunol.</i> 29 : 1496-1503, 1999.		
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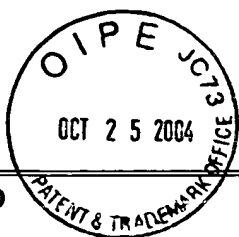


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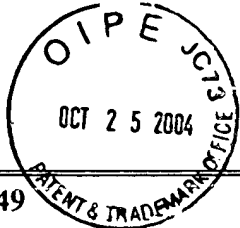


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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>		APPLICANT: Bannon, et al.	
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